

## **REMARKS**

By this Amendment, Applicant amends claim 1. Claims 1 and 4-7 are currently pending.

In the Office Action mailed September 2, 2005, the Examiner rejected claims 1, 4, 6, and 7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,781,177 to Helot et al. ("Helot") and rejected claim 5 under 35 U.S.C. § 103(a) as unpatentable over Helot in view of U.S. Patent No. 5,956,194 to Ohmi et al. ("Ohmi").<sup>1</sup> Applicant respectfully traverses the Examiner's rejections under both § 102 and § 103.

### **Regarding the Rejection Under 35 U.S.C. § 102**

Applicant respectfully traverses the Examiner's rejection of claims 1, 4, 6, and 7 under 35 U.S.C. § 102(b) as being anticipated by Helot. In order to anticipate Applicant's claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1, as amended, recites a combination including, for example, "means for remotely controlling operations of the driving mechanism via an embedded controller/keyboard controller IC, wherein the driving mechanism opens the display case when a predetermined device of the information processing apparatus starts a

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action

predetermined operation.” Helot fails to disclose at least the above elements as recited in amended claim 1.

Helot discloses that “[a] high-speed infrared (“IR”) port and a low-speed IR port are co-located at a notebook computer display panel housing.” Helot, abstract. “The computer 10 includes a system unit 12 and a display. . . . The display unit 14 includes a display panel 28 and a display panel housing 30. The display unit 14 is attached to the system unit 12 and rotate on hinge 32 between an open position (shown in FIG. 1) and a closed position (shown in FIG. 2).” Helot, column 3, lines 5-14. However, even if Helot’s teaching of IR ports may be used in communication with a remote device, such teaching does not control “operations of the driving mechanism via an embedded controller/keyboard controller IC,” as recited in amended claim 1. Further, Helot fails to teach that “the driving mechanism opens the display case when a predetermined device of the information processing apparatus starts a predetermined operation,” as recited in claim 1.

The Examiner suggests that Helot discloses “wherein the driving mechanism 32 opens the display case 14 synchronous with a startup timing of a program in accordance with operation of the means 40, 42.” (Office Action at 2.) However, this is incorrect. Helot explicitly states that “[t]he display unit 14 is attached to the system unit 12 and rotates on hinge 32 between an open position (shown in FIG. 1) and a closed position (shown in FIG. 2).” Helot, column 3, lines 11-14. Therefore, since hinge 32 serves merely as a support between the open position and the closed position, Helot’s teaching of hinge 32 does not constitute the “driving mechanism” as recited in claim 1.

Therefore, Helot fails to teach all elements of amended claim 1. Helot thus fails to anticipate Applicant's invention recited in claim 1 under 35 U.S.C. § 102.

Accordingly, Applicant respectfully requests withdrawal of the Section 102 rejection of claim 1. Further, because claims 4, 6, and 7 depend from claim 1, Applicant also requests withdrawal of the Section 102 rejection of claims 4, 6, and 7 for at least the same reasons stated above.

#### **Regarding the Rejection Under 35 U.S.C. § 103**

Applicant respectfully traverses the Examiner's rejection of claim 5 under 35 U.S.C. § 103(a) as unpatentable over Helot in view of Ohmi. In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. See M.P.E.P. § 2143.

Claim 5 depends from claim 1. As explained above, Helot fails to teach or suggest at least "means for remotely controlling operations of the driving mechanism via an embedded controller/keyboard controller IC, wherein the driving mechanism opens the display case when a predetermined device of the information processing apparatus starts a predetermined operation," as recited in claim 1. Ohmi fails to cure Helot's deficiencies.

The Examiner alleged that "Ohmi et al disclose the driving controls the driving mechanism via one of a wireless LAN, BlueTooth, an infrared-ray communication (see

Omni et al's column 23, lines 30-45)." (Office Action at 3). Even if assuming the Examiner's allegation is true, with which Applicant does not necessarily agree, Ohmi fails to teach or suggest at least the above elements as recited in amended claim 1 and required by claim 5.

Therefore, neither Helot nor Ohmi, taken alone or in any reasonable combination, teaches or suggests all elements recited in claim 1 and required by claim 5. No *prima facie* case of obviousness has been established with respect to claim 5. Claim 5 is therefore also allowable for at least being dependent from an allowable base claim. Accordingly, Applicant respectfully requests withdrawal of the Section 103 rejection of claim 5.

### **Conclusion**

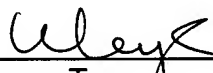
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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By:   
Wenye Tan  
Reg. No. 55,662